

House Bill 2824

Sponsored by COMMITTEE ON CONSUMER PROTECTION AND GOVERNMENT EFFICIENCY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Clarifies that tower does not need to contact owner of parking facility or owner's agent at time of tow before towing motor vehicle from facility if sign warning that parking is prohibited is posted or if motor vehicle is parked next to red or yellow curb.

A BILL FOR AN ACT

1
2 Relating to towing motor vehicles; amending ORS 98.854.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 98.854 is amended to read:

5 98.854. (1) A tower may not:

6 (a) Except as provided in subsection (3) of this section, tow a motor vehicle from a parking fa-
7 cility without first contacting the owner of the facility or the owner's agent at the time of the tow.

8 (b) Tow a motor vehicle from a parking facility if the parking facility owner or owner's agent
9 is an employee of a tower.

10 (c) Tow a motor vehicle without providing to the owner or operator of the motor vehicle the
11 information required under ORS 98.856 in the manner required under ORS 98.856.

12 (d) Charge more than a price disclosed under ORS 98.856.

13 (e) Solicit towing business at, or within 1,000 feet of, the site of a motor vehicle accident, unless
14 the tower tows the motor vehicle pursuant to a prenegotiated payment agreement between the tower
15 and a motor vehicle road service company.

16 (f) Except as provided in subsection (2) of this section, park a tow vehicle within 1,000 feet of
17 a parking facility for the purpose of monitoring the parking facility for towing business.

18 (g) Provide consideration to obtain the privilege of towing motor vehicles from a parking facil-
19 ity. For the purposes of this paragraph, the provision of:

20 (A) Signs by a tower under ORS 98.862 does not constitute consideration.

21 (B) Goods or services by a tower below fair market value constitutes consideration.

22 (h) Require, as a condition of towing a motor vehicle or releasing a motor vehicle or personal
23 property in the motor vehicle, that the owner or operator of the motor vehicle agree not to dispute:

24 (A) The reason for the tow;

25 (B) The validity or amount of charges; or

26 (C) The responsibility of the tower for the condition of the motor vehicle or personal property
27 in the motor vehicle.

28 (i) Hold a towed motor vehicle for more than 24 hours without:

29 (A) Taking an inventory of all personal property in the motor vehicle that is visible from the
30 exterior of the motor vehicle; and

31 (B) Holding the personal property in the motor vehicle in a secure manner.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 (j) Accept cash as a method of payment for towing services unless the tower provides exact
2 change not later than the end of the business day following receipt of payment.

3 (2) A tower may park a tow vehicle within 1,000 feet of a parking facility for the purpose of
4 monitoring the parking facility for towing business if the tower provides notice of the hours during
5 which monitoring occurs on signs that are clearly readable by an operator of a motor vehicle in
6 each parking stall or at each entrance to the parking facility.

7 (3) A tower may tow a motor vehicle if the motor vehicle:

8 (a) Blocks or prevents access by emergency vehicles;

9 (b) Blocks or prevents entry to the premises;

10 (c) Blocks a parked motor vehicle;

11 (d) Violates a prominently posted **no** parking [*prohibition; or*] **sign that warns that parking**
12 **is prohibited 24 hours a day;**

13 **(e) Parks next to a red or yellow curb; or**

14 [*e*] (f) Parks without permission in a parking facility used for residents of an apartment and:

15 (A) There are more residential units than there are parking spaces;

16 (B) The landlord has issued parking tags or other devices that identify vehicles that are au-
17 thorized to be parked on the premises; and

18 (C) There are signs posted that are clearly readable by an operator of a motor vehicle in each
19 parking stall or at each entrance to the parking facility prohibiting or restricting public parking on
20 the parking facility.

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